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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,150	03/31/2004	Stephen R. Lawrence	24207-10085	8210

62296 7590 03/18/2008

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EXAMINER	
AHLUWALIA, NAVNEET K	
ART UNIT	**PAPER NUMBER**
2166	
MAIL DATE	**DELIVERY MODE**
03/18/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/815,150
Filing Date: March 31, 2004
Appellant(s): LAWRENCE, STEPHEN R.

Jie Zhang
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/15/2008 appealing from the Office action mailed 05/10/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 1 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jena J. Jordahl ('Jordahl' herein after) (US 2004/0036716 A1) further in view of Wolton et al. ('Wolton' herein after) (US 2004/0030741 A1).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2004/0036716 A1	JENA J. JORDAHL	02-2004
US 2004/0030741 A1	WOLTON ET AL.	02-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jena J. Jordahl ('Jordahl' herein after) (US 2004/0036716 A1) further in view of Wolton et al. ('Wolton' herein after) (US 2004/0030741 A1).

With respect to claim 1,

Jordahl discloses a method comprising:

- identifying a common element in a plurality of articles (paragraphs 0096 and 0133, Jordahl); and
- analyzing a spatial location of the common element in an article of the plurality of articles and determining whether the common element is a

boilerplate element of the article based at least in part on the spatial location (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

3. Claims 2 – 4, 6 – 7, 10 – 13 and 26 are rejected under the same rationale given for claim 1. The citations of the elements claimed are taught and listed below.

With respect to claim 2,

Jordahl as modified discloses the method of claim 1, further comprising generating an implicit search query including a search term, the search term comprising a term present in a content element of the article, the content element being distinguishable from the boilerplate element (paragraph 0133, Jordahl).

With respect to claim 3,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a copyright notice (paragraphs 0059 and 0073, Jordahl).

With respect to claim 4,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a term having a low inverse document frequency measure (paragraph 0147, Jordahl).

With respect to claim 6,

Jordahl as modified discloses the method of claim 1, wherein analyzing the spatial location of the common element comprises determining whether the common element is at the bottom of the article (figure 12, Jordahl).

With respect to claim 7,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a navigational element of the article (figures 10 and 12, Jordahl).

With respect to claim 10,

Jordahl as modified discloses the method of claim 1 further comprising: analyzing a markup language element proximate to the common element in the article (paragraphs 0056 and 0057, Jordahl), wherein determining whether the common element is a boilerplate element comprises determining whether the common element is

a boilerplate element of the article based at least in part on the markup language element (paragraphs 140 and 180, Jordahl).

With respect to claim 11,

Jordahl as modified discloses the method of claim 1 further comprising:

- responding to the common element being the boilerplate element (paragraphs 0096 and 0133, Jordahl);
- removing the boilerplate element from the article; and indexing the article (paragraphs 0077, Jordahl).

With respect to claim 12,

Jordahl as modified discloses the method of claim 1 further comprising: determining weights for elements in the article based at least in part on whether the elements are boilerplate elements (paragraph 0130, Jordahl).

With respect to claim 13,

Jordahl as modified discloses the method of claim 12, further comprising:

- receiving a search query (figure 8 and paragraphs 0047 – 0048, Jordahl);
- determining articles relevant to the search query (paragraph 0059, Jordahl); and
- ranking the articles based as least in part on the determined weights (paragraphs 0088 and 0113, Jordahl).

With respect to claim 26,

Jordahl as modified discloses the method of claim 10, wherein the markup language element proximate to the common element comprises a markup language element affecting a display of the common element in the article (paragraphs 140 and 180, Jordahl).

With respect to claim 5,

Jordahl discloses a method comprising

- comparing an element in an article to a predetermined list to generate a comparison result (paragraphs 0055 and 0059, Jordahl);
- analyzing a spatial location of the element in the article; and determining whether the element is a boilerplate element of the article based at least in part on the spatial location and the comparison result.

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other

results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

4. Claim 25 is rejected under the same rationale given for claim 5. The citations of the elements claimed are taught and listed below.

With respect to claim 25,

Jordahl as modified discloses the method of claim 5, wherein the predetermined list comprises terms or phrases, and wherein the comparison result indicated whether the element matches a term or a phrase in the predetermined list (paragraph 0059, Jordahl).

With respect to claim 8,

Jordahl discloses a method comprising: identifying a common element in a plurality of articles; analyzing a link associated with the common element in an article of the plurality of articles; and determining whether the common element is a boilerplate element of the article based at least in part on the link associated with the common element (paragraphs 0059 and 0099, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because

both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

5. Claim 9 is rejected under the same rationale given for claim 8. The citations of the elements claimed are taught and listed below.

With respect to claim 9,

Jordahl as modified discloses the method of claim 8, wherein analyzing the link associated with the common element comprises analyzing an address to which the link refers (paragraphs 0052 and 0059, Jordahl).

With respect to claim 14,

Jordahl discloses a tangible computer-readable medium on which is encoded program code, the encoded program code comprising:

- program code for identifying a common element in a plurality of articles (paragraphs 0096 and 0133, Jordahl); and
- program code for analyzing a spatial location of the common element in an article of the plurality of articles and program code for determining whether the common element is a boilerplate element of the article

based at least in part on the spatial location (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

6. Claims 15, 17, 18 and 21 – 24 are rejected under the same rationale given for claim 14. The citations of the elements claimed are taught and listed below.

With respect to claim 15,

Jordahl as modified discloses the tangible computer-readable medium of claim 14, wherein the encoded program code further comprises program code for generating an implicit search query including a search term, the search term comprising a term present in a content element of the article, the content element being distinguishable from the boilerplate element (paragraph 0133, Jordahl).

With respect to claim 17,

Jordahl as modified discloses the tangible computer-readable medium of claim 14, wherein analyzing the spatial location of the common element comprises: determining whether the common element is at the bottom of the article (figure 12, Jordahl).

With respect to claim 18,

Jordahl as modified discloses the tangible computer-readable medium of claim 14, wherein the common element comprises a navigational element of the article (figures 10 and 12, Jordahl).

With respect to claim 22,

Jordahl as modified discloses the tangible computer-readable medium of claim 14 wherein the encoded program code further comprises program code for responding to the common element being the boilerplate element removing the boilerplate element from the article; and program code for indexing the article (paragraphs 0077, Jordahl).

With respect to claim 23,

Jordahl as modified discloses the tangible computer-readable medium of claim 14, wherein the encoded program code further comprises program code for determining weights for elements in the article based at least in part on whether the elements are boilerplate elements (paragraph 0130, Jordahl).

With respect to claim 24,

Jordahl as modified discloses the tangible computer-readable medium of claim 23, further comprising:

- program code for receiving a search query (figure 8 and paragraphs 0047 – 0048, Jordahl);
- program code for determining articles relevant to the search query (paragraph 0059, Jordahl); and
- program code for ranking the articles based as least in part on the determined weights (paragraphs 0088 and 0113, Jordahl).

With respect to claim 21,

Jordahl as modified discloses the tangible computer-readable medium of claim 14, wherein the encoded program code further comprises: program code for analyzing a markup language element proximate to the common element in the article (paragraphs 0056 and 0057, Jordahl), wherein determining whether the common element is a boilerplate element comprises determining whether the common element is a boilerplate element of the article based at least in part on the markup language element (paragraphs 140 and 180, Jordahl).

With respect to claim 16,

Jordahl discloses a tangible computer readable medium on which is encoded program code, the encoded program code comprising: program code for comparing an element in an article to a predetermined list to generate a comparison result (paragraphs 0055 and 0059, Jordahl); program code for analyzing a spatial location of the element in the article; and program code for determining whether the element is a boilerplate element of the article based at least in part on the spatial location and the comparison result (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

With respect to claim 19,

Jordahl discloses a tangible computer-readable medium on which is encoded program code, the encoded program code comprising: program code for identifying a common element in a plurality of articles (paragraphs 0096 and 0133, Jordahl); program code for analyzing a link associated with the common element in an article of the

plurality of articles and program code for determining whether the common element is a boilerplate element of the article based at least in part on the link associated with the common element (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

7. Claim 20 is rejected under the same rationale given for claim 19. The citations of the elements claimed are taught and listed below.

With respect to claim 20,

Jordahl as modified discloses the tangible computer-readable medium of claim 19, wherein analyzing the link associated with the common element comprises analyzing an address to which the link refers (paragraphs 0052 and 0059, Jordahl).

(10) Response to Argument

A. Claims 1 – 7, 10—18 and 21 – 26 are patentable over Jordahl in view of Wolton

Appellant argues that Jordahl alone or in combination with Wolton fails to disclose "analyzing a spatial location of the common element in an article of the plurality of the articles" and determining whether the common element is a boilerplate element of the article based at least in part on the spatial location.

On the contrary, Jordahl in combination with Wolton teaches the analysis of the spatial locations of the common element in an article and determining whether it is a boiler plate element in paragraphs 47 – 48, Jordahl and detailed explanation of the spatial location of common elements in paragraphs 510, 566 and 570 – 571. Wolton shows the analysis of the spatial locations of the common elements which is the boiler element.

B. Claims 11 and 22 are patentable over Jordahl in view of Wolton

Appellant argues that Jordahl alone or in combination with Wolton fails to disclose "responding to the common element being the boilerplate element, removing the boilerplate element from the article and indexing the article."

On the contrary, Jordahl in combination with Wolton teaches responding to the common element being the boiler plate element and removing it to index the article in paragraphs 77 and 136, Jordahl. Furthermore, Jordahl in paragraph 176 explains in detail the indexing of the article.

C. Claims 8, 9, 19 and 20 are patentable over Jordahl in view of Wolton

Appellant argues that neither Jordahl nor Wolton alone or in combination disclose or suggest using a link associated with the common element in an article to determine whether the common element is boilerplate.

On the contrary, Jordahl in combination with Wolton teaches the using of a link associated with the common element in paragraph 133 of Jordahl. Jordahl discloses in detail the linked common element linked to other item fields.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Navneet K. Ahluwalia/

Examiner, Art Unit 2166

Conferees:

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